

ATTACHMENT A

3 V.I.C. § 881a

Statutes current through Act 8292 of the 2020 Regular Session of the 33rd Legislature, including all code changes through April 27, 2020

Virgin Islands Code Annotated > TITLE THREE Executive (Chs. 1 — 42) > Chapter 33. Public Records; Fees (§§ 881 — 884)

§ 881a. Online access to information relating to public funds

This section shall be known and may be cited as “The Virgin Islands Government ***Transparency*** Act”.

(a) ***Definitions.*** As used in this section, the following terms shall have the following meanings:

(1) “***Agency***” means any department, office, board, commission, bureau, division, institution or institution of higher education. “Agency” specifically includes any authority created by an act of the Legislature, including those authorities not receiving territorial tax revenue except for independent agencies of government. This includes individual agencies and programs, as well as those programs and activities that cross agency lines, and also includes all elective offices in the Executive Branch of Government and the Legislative Branch of Government.

(2) “***BIT***” means the Virgin Islands Bureau of Information Technology as established in 3 V.I.C., chapter 1, § 10.

(3) “***Entity***” or “***recipients(s)***” means any corporation, association, limited liability corporation, limited liability partnership, or any other legal business entity. It shall also include any grantee or sub-grantee, contractor or subcontractor, or any other government entity.

(4) “***Funding action or expenditure***” shall include details on the type of spending of both:

(A) appropriated expenditures, including but not limited to grants, contracts, and appropriations; and

(B) tax expenditures, including but not limited to tax exemptions, waivers, and credits. This shall include but not be limited to all tax exemptions, credits, direct grants, or infrastructure assistance provided to any corporate or other business entity. Where possible, a hyperlink to the actual grants or contracts shall be provided.

(5) “***Funding source***” means the account the expenditure is appropriated from.

(6) “***Searchable budget database website***” means a website that allows the public at no cost to search for, obtain, and aggregate the information identified in subsection (b) of this section.

(7) “***State audit or report***” shall include any audit or report issued by the Virgin Islands Inspector General, United States Inspector General, contracted private auditor, Legislative Post Auditor, Legislative Committee, or Executive body relating to the past or current performance of the entity or recipient of funds or the budget program, activity or agency which the Commissioner of Finance deems as relevant.

(b) On or before June 1, 2020, the Bureau of Information Technology, as established in 3 V.I.C., chapter 1, § 10 in collaboration with the Office of Management and Budget and the Department of Finance, shall establish and maintain an official internet website that is electronically searchable by the public at no cost and that contains a comprehensive database of recipients and expenditures of the Territory's funds, inclusive of all government instrumentalities, the Legislature of the Virgin Islands, the local courts

3 V.I.C. § 881a

of the Virgin Islands and all semi-autonomous agencies. Information in the database must be presented in an intuitive manner for the general public, including graphical representations.

(1) The Office of Management and Budget, the Department of Finance, and the Bureau of Information Technology are responsible for dictating when and in what manner agencies will provide financial information for publication on the official internet website.

(3) Every agency required to submit financial information to the Office of Management and Budget, the Department of Finance, and the Bureau of Informational Technology according to this section must also publish their financial information on their own respective websites for public access.

(c) *Internet database; contents.*

The internet database should include the following:

(1) The appropriation, expenditure or use of all public funds or federal funds or receipt of all federal funds or public funds as defined in section 883 of this chapter;

(2) Annual government expenditures or funding actions provided to any entity, recipient or agency, as determined by the Commissioner of Finance including the name and location of any such entity, recipient or agency, the funding source, the amount of funds appropriated including tax expenditures or other subsidies, the funding agency or authority, and a description of the purpose of the funding action or expenditure;

(3) Bond debt payments and debt service including but not limited to amounts of bond interest paid and sources of funds paid for individual bond issues;

(4) All government contracts, subcontracts, and the names of recipients as determined by all agencies, as well as the Office of Disaster Recovery.

(5) All positions and respective salaries without any personal identifiers, to include, but not limited to, the employee's name.

(6) Local aid to each department including, but not limited, to amounts paid to individual units of government for individually identifiable aid programs;

(7) Annual revenues, as determined by the Commissioner of Finance which shall include but not be limited to:

(A) Receipts or deposits by any agency into funds established within the territory's treasury;

(B) Agency earnings, including but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;

(C) Revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of government-owned money and property;

(D) Gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity; and

(E) Other revenue including, but not limited to, receipts not classified elsewhere.

(8) Annual bonded indebtedness which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds;

(9) A link to any local or federal audit or report; and

(10) Any other relevant information specified by the Commissioner of Finance in consultation with the Virgin Islands Office of Management and Budget.

3 V.I.C. § 881a

(d) The searchable budget database website shall retain information for each fiscal year on the single website for not less than 5 years and shall include data for the most recent fiscal years.

(e) The searchable budget database website shall have a link for each branch of government and every governmental agency defined in section 883 of this chapter to include the Legislative branch of Government.

(f) All data required to be published in this chapter must be updated on a monthly basis, at a minimum.

(g) The searchable budget database website shall not include:

(1) Tax payments or refund data that includes confidential taxpayer information;

(2) Data relating to payments of "state" assistance to individual recipients;

(3) Payees' addresses or telephone numbers, but the agencies may allow public access in the database to information identifying the district which the payee is located;

(4) Work product in anticipation of litigation or information subject to attorney-client privilege;

(5) Any other information that is designated by law as confidential or preapproved as confidential by the agency pursuant to rule. The agency and any officer or employee of the agency:

(A) may rely on a determination made by a budget unit within the agency regarding confidentiality of information relating to the budget unit's expenditures.

(B) are immune from civil liability for posting confidential information under this section if the posting is in reliance on the budget unit's determination relating to confidentiality.

(h) The Governor, Lieutenant Governor, all government agencies and the Legislature shall include a link to the database under this section in their individual official websites. Each government agency that maintains a generally accessible internet website, or for which a generally accessible website is maintained, shall include a link on that website to the database under this section.

(i) Each government agency shall cooperate with the Virgin Islands Office of Management and Budget, the Department of Finance, and the Bureau of Information Technology as necessary to implement and administer this website. Each government agency shall provide to the department any additional data in a manner and schedule prescribed by the Virgin Islands Office of Management and Budget, the Department of Finance, and the Bureau of Information Technology that are required to be included in the database.

(j) Notwithstanding any law to the contrary, two or more violations of this section by a governmental agency in any fiscal year, upon the second or subsequent violation, subjects the governmental agency to an audit of their budget and all expenditures by the Virgin Islands Inspector General or the Legislative Post Audit Division.

History

—Added Sept. 17, 2012, *No. 7408, § 1, Sess. L. 2012*, p. 274-278; amended May 29, 2019, No. 8172, §§ 1(a)(1)–(4), (b)(1)–(4), (c), (d), *Sess. L. 2019*, p. —.

Annotations

Notes

HISTORY

Amendments

—2019.

Act 8172, § 1(a)(1), in subsection (b), substituted “June 1, 2020” for “June 1, 2013” and inserted “, inclusive of all government instrumentalities, the Legislature of the Virgin Islands, the local courts of the Virgin Islands and all semi-autonomous agencies” at the end of the first sentence.

Act 8172, § 1(a)(2), rewrote the last sentence in subsection (b) which formerly read: “The Bureau of Information Technology must present information in the database in a manner that is intuitive to members of the general public, including graphical representations.”

Act 8172, § 1(a)(3), added subsection (b)(1).

Act 8172, § 1(a)(4), added subsection (b)(3).

Act 8172, § 1(b)(1), deleted “unless the federal funds are accounted for on the website of the Office of Economic Opportunity as required by the American Recovery and Reinvestment Act of 2009” at the end of subsection (c)(1).

Act 8172, § 1(b)(2), added subsection (c)(4).

Act 8172, § 1(b)(3), added subsection (c)(5).

Act 8172, § 1(b)(4), redesignated former subsections (c)(4) through (c)(8) as present subsections (c)(6) through (c)(10).

Act 8172, § 1(c), substituted “Office of Management and Budget, the Department of Finance, and the Bureau of Information Technology” for “Office of Management and Budget and the Department of Finance” twice in subsection (i).

Act 8172, § 1(d), rewrote subsection (f).

Research References & Practice Aids

Hierarchy Notes:

3 V.I.C.

Virgin Islands Code Annotated

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